

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE:

DATE: JUL 22 1976

MATTER OF: **B-184877**61174,
97888**TSGT. Earnest L. Given, USAF, Retired****DIGEST:**

Air Force member who shipped household goods in excess of authorized allowable weight, and had excess costs of such shipment collected from him by Air Force after contesting his indebtedness, may not be reimbursed for such amount, since excess weight is an administrative determination made by a designated officer and this Office would not be warranted in questioning such determination without clear evidence of error.

This action is in response to a letter from Technical Sergeant Earnest L. Given, USAF, Retired, requesting reconsideration of our Transportation and Claims Division settlement of January 6, 1975, which disallowed his claim for reimbursement of the amount--\$315.56--collected from him for excess costs incurred in connection with a shipment of his household goods incident to a permanent change of station while serving in the United States Air Force in 1968.

By Special Order No. AE-1486, dated September 5, 1968, the member was reassigned on a permanent change of station from Lackland Air Force Base, Texas, to Lowry Air Force Base, Colorado. Incident to his transfer, the member arranged to have his household goods shipped at Government expense through the Lackland AFB Commercial Transportation Office by Government bill of lading (GBL-D4280685, dated September 12, 1968). The member states that on September 18, 1968, a representative of Scoby Moving and Storage Company came to his home and estimated the weight of his household goods to be approximately 6,500 pounds. Thereafter, on September 23, 1968, a representative of the Lackland Commercial Transportation Office estimated the weight of the goods as 7,900 pounds.

The member contends that when the commercial truck arrived to pick up his household goods on September 24, 1968, he noticed another shipment already on the truck. Thereafter, the member contends that he was advised by the driver that he had an overweight shipment and that he was solicited for a bribe by the driver to reduce the weight of his shipment.

Such alleged solicitation of a bribe was reported by the member on September 25, 1968, to the military Commercial Transportation Office at Lackland Air Force Base, however, the truck had departed before any administrative action could be taken. Thereafter, the household goods were delivered into storage in connection with the member's transfer. A subsequent investigation was conducted by the Air Force as to the reported solicitation of a bribe in connection with the overweight shipment, but the results were inconclusive and no action was taken.

The member was charged with excess costs for shipment of his household goods in the amount of \$315.56, which was collected by the Air Force from his final pay upon retirement. However, the member contends that his household goods were not overweight based on estimates initially made before the move, and that substantially the same household goods moved by the Government in January 1971, weighed only 5,400 pounds. In this connection, it has been reported that when the member's household goods arrived at destination, they were reweighed and found to weigh 10,680 pounds (20 pounds more than at origin). Additionally, the weight of his goods was approximated based on the actual inventory of the items shipped. Through such inventory item method, it was determined that the goods weighed approximately 11,400 pounds.

Section 406 of title 37, United States Code, provides that under such conditions and limitations as the Secretaries concerned may prescribe, a member of the uniformed services shall be entitled to transportation of household goods in connection with a change of station.

Paragraph M8002, Volume 1 of the Joint Travel Regulations, promulgated pursuant to that authority, provides that household goods of members, not in excess of the weight limit in pounds therein prescribed, may be transported at Government expense in accordance with the provisions of these regulations.

The regulations contemplate shipment at Government expense of household goods, as packed for shipment, at the not to exceed an overall weight allowance of net weight plus an allowance for packing and crating. Where shipments involve weights exceeding the prescribed allowance, the transportation charges on such excess weights will be borne by the owner.

Nothing in the records forwarded here by the Air Force shows that the member was charged for the weight of a portion of another

B-184877

shipment which did not belong to him. Also, in view of the reweigh of the truck and household goods upon arrival at destination as well as the constructive weight computation based on the actual inventory of the shipped goods, there appears to be no basis to conclude that the member's household goods were not properly weighed. In this respect, the question as to what extent the weight of a member's household goods exceeded his weight allowance is a matter primarily for administrative determination which this Office would not be warranted in questioning in the absence of the clearest evidence of error. See B-180184, August 21, 1974. Nothing in the present record shows such error.

Accordingly, the action taken by our Transportation and Claims Division in settlement dated January 6, 1975, is sustained.

R. F. Keller

Deputy Comptroller General
of the United States